

Advisory Opinions on Consent Agenda - March 2022

Item #	Docket #	Caption	Analysis	Recommendation
G6	2022-009	A Request for an Advisory Opinion, submitted by Sandra Duck (former CEO of the Central Louisiana State Hospital), regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit Jeremy Nunnally from serving as chaplain for Central Louisiana State Hospital ("CLSH") on a contractual basis while he is employed as a CLSH Police Officer.	Based on the facts presented, the Code does not prohibit Mr. Nunnally from serving as CLSH's chaplain on a contractual basis while maintaining his employment as a CLSH Police Officer. La. R.S. 42:1113(A)(1)(a) provides that no public servant shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant. Mr. Nunnally's agency is defined as the office in which he carries out his primary responsibilities, if the public servant serves one of the twenty (20) principal departments of the Louisiana State executive branch. CLSH is a component of the Louisiana Department of Health. Accordingly, Mr. Nunnally's agency is the CLSH's Security Department, as it is the office in which he carries out his primary duties as a Police Officer. Should Mr. Nunnally contract with CLSH's Social Services Department to become chaplain, the contract would not be under the supervision of his agency. Mr. Nunnally will also be advised to contact the AG regarding the dual office holding laws.	Adopt the proposed advisory opinion.
	2022-010	Withdrawal of an Advisory Opinion Request from Jacob D. Coco, Police Juror, District 9, Avoyelles Parish.	Mr. Coco has requested that his advisory opinion request be withdrawn, as he has decided not to seek the position.	Allow withdrawal of the advisory opinion request.
G7				

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G8	2022-011	Advisory opinion request regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit Bryan Burns' company, West 30's Redemption Company, from continuing to e-mail members of the Covington Board of Adjustments its quarterly newsletter.	Section 1115 of the Code does not prohibit the Covington Board of Adjustments from accepting a free newsletter because the newsletter has no economic value as defined in Section 1102(22) of the Code.	Adopt draft advisory opinion.
G9	2022-012	Request for an advisory opinion regarding New Orleans City Councilman, Oliver Thomas, being employed at WBOK as a talk show host.	Because Oliver Thomas returned to work on February 1, 2022 and has received compensation, his actions involve past conduct.	Decline to render.
G10	2022-028	Request for Approval of a Disqualification Plan by David North, Jr., DOTD District 4 Engineer Administrator, regarding William and Lori Whatley, employees of DOTD District 4.	The proposed disqualification plan meets the requirements of Chapter 14 of the Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics.	Approve the proposed disqualification plan.

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G11	2022-029	Advisory Opinion Request from Brad Cradeur, Executive Director, Sewerage Dist. No. 1, Iberia Parish, regarding whether a trailer park owned by the chairperson of the board of the Sewerage District No. 1 of Iberia Parish may dedicate a sewer treatment plant to the district, and whether the chairperson could participate in such transaction in his capacity as a board member.	<p>With respect to the chairperson's ability to vote and debate on this transaction, such activities would be prohibited under La. R.S. 42:1112B(2). As a 50% owner of the Park, the chairperson is deemed to have a substantial economic interest in the company. As the Park has a substantial economic interest in the transaction, the chairperson would be prohibited from participating in this transaction. The chairperson would be able, as an appointed member of a board, to recuse himself from voting on or discussing the matter, pursuant to La. R.S. 1120.4.</p> <p>With respect to the transaction as a whole, such transaction would be prohibited under La. R.S. 42:1113B. As the chairperson has a substantial economic interest in the Park, pursuant to La. R.S. 42:1102(21). Accordingly, pursuant to La. R.S. 42:1113B, the Park may not enter into a transaction that is under the supervision or jurisdiction of the District. As the property in the contemplated transaction would be considered immovable property, the exception contained in La. R.S. 42:1123(30) would not apply.</p>	Adopt proposed advisory opinion.

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G12	2022-030	Advisory Opinion request from James Graham with the Healthy School Food Collaborative (HSFC), a non-profit organization, with regard to consulting services offered to schools and food service management companies.	<p>HSFC was neither created by, nor its powers defined by, the legislature or any other governmental entity. Additionally, HSFC provides services to both public and private entities.</p> <p>La. R.S. 42:1102(18)(a) defines a "public employee" in pertinent part, to mean anyone, whether compensated or not, who is: (iii) engaged in the performance of a governmental function; or (iv) under the supervision or authority of an elected official or another employee of the governmental entity.</p> <p>HSFC only performs consulting services in connection with school food services; HSFC does not perform the actual school food services. Additionally, HSFC is not under the supervision of any school employees when providing consulting services. For these reasons, neither HSFC, nor its employees, are a "public employee" subject to the Code.</p>	Adopt the proposed advisory opinion.
G13	2022-031	Request for an advisory opinion relative to Kristy Touchet, a board member of the Vermilion Charter Foundation ("VCF"), and her employment with SchoolMint, a business entity that provides school administrative software.	Once VCF has a charter approved, board members would be subject to the Ethics Code. As a board member of VCF, Kristy Touchet, would be prohibited from receiving something of economic value (such as a salary) from SchoolMint while SchoolMint provides administrative software to Vermilion Charter Academy.	Adopt the proposed advisory opinion draft.

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G14	2022-038	A Request for an Advisory Opinion, submitted by Anthony Baker, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit him from working for his father's company part-time while employed by the Louisiana Department of Transportation and Development ("LaDOTD").	<p>Based on the facts provided, the Code would not prohibit Mr. Batker from working part-time for his father's company, Baker HCIS, LLC, while he is employed by the LaDOTD "Operations Division" Bridge Maintenance and Inspection Section. La. R.S. 42:1111(C)(2)(d) prohibits him from receiving a thing of economic value from a person who has or is seeking to obtain a contractual, business, or other financial relationship with his agency. The Bridge Maintenance and Inspection Section of the LaDOTD Operations Division is Mr. Baker's agency. The project, for which Baker HCIS is providing subcontractor services, is not one emanating from a contract with his agency. The contract is one between the City of Ruston and Hunt, Guillot & Associates, LLC. Baker HCIS is also not regulated by your agency. Therefore, Baker HCIS is not a prohibited source. Additionally, La. R.S. 42:1113(A)(1)(a) provides that no public servant shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant. Neither he, his father, or his company are entering into a contract with his agency. Furthermore, the contract between the City of Ruston and Hunt, Guillot & Associates, LLC is not under the supervision of Mr. Baker's agency.</p>	Adopt the proposed advisory opinion.

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G15	2022-041	Advisory opinion request regarding whether the Code of Governmental Ethics (Code") would prohibit Tracy Wells from qualifying as a candidate in the Mayor"s race for the City of Hammond while her spouse, Devon Wells, serves as a Hammond City Councilman.	There are no provisions in the Code which would prohibit Tracy Wells from being a candidate or serving as the Mayor of the City of Hammond while her husband also serves as a member of the City Council. However, in the event she is elected as Mayor of the City of Hammond, she and her spouse will be prohibited by La. R.S. 42:1112B(1) from participating in any transaction in which either of them have a substantial economic interest. They may recuse themselves pursuant to the provisions of La. R.S. 42:1120.	Adopt draft advisory opinion.